



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

William F. WADE et al.

Appln. No.: 09/720,078

Filed: July 25, 2001

Group Art Unit: 1644

Examiner: P. Gambel

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TECH CENTER 1600/2900

Title: METHODS AND COMPOSITIONS FOR MODULATING ANTIGEN-SPECIFIC
IMMUNOLOGICAL (HUMORAL) RESPONSES BY TARGETING SUCH
ANTIGEN TO APCs IN CONJUNCTION WITH ANTI-CD40 LIGAND
ADMINISTRATION

Monday, November 3, 2003

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ELECTION IN REPLY TO RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the requirement for restriction October 1, 2003, and is timely
filed.

ELECTION

In response to the requirement for restriction mailed October 1, 2003, the applicants elect Group III which includes claims 1, 2, and 5-17, directed to a method for enhancing a humoral or CD4 Th1 (DTH, cell-mediated) immune response comprising administering to an individual an antigen-antibody conjugate comprising an antibody that binds specifically to a dendritic cell antigen.

In response to the requirement to elect a species of antigen, and then to elect a specific antigen of the invention from the set of possible antigens listed in the restriction requirement, the applicants elect tumor or cancer antigens, and specifically, an antigen of breast cancer, **with traverse.**

The applicants respectfully traverse the requirement that a specific class and type of antigen be elected. The invention of the elected group (Group III) is clearly a general method for enhancing humoral or Th1 (cell-mediated) responses of an individual to any of countless antigens capable of stimulating a dendritic cell-mediated immune response. The approach taken in the elected invention involves administering to an individual an antigen-antibody conjugate comprising an antibody that binds specifically to a dendritic cell antigen. It is well known by persons skilled in the art that dendritic cells function *in vivo* to present a vast number of different types of antigens, *e.g.*, peptides, viral antigens, and allergens, to resting T cells, whereby they stimulate the T cells to proliferate and produce armed effector T cells that can elicit or initiate humoral or Th1 (cell-mediated) responses to cells that display the antigen. That the inventors intended the invention to be regarded as a general one with wide applicability to many different types of antigens is evident from the examples, in which the invention is exemplified with investigative antigens such as hen egg lysozyme and avidin, that are not generally associated with a pathology. Recognizing that the claimed invention operates through cells and cellular interactions that are common to immune responses to many different types of antigens, persons of skill in the art would reasonably expect that results obtained by the invention with experimental antigens such as hen egg lysozyme and avidin are also predictive of results expected with the invention with regard to antigens associated with any of a large number of pathologies.

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Election dated November 3, 2003
In Reply to the Restriction Requirement of October 1, 2003
Attorney Ref. No.: 021033-0276517

The applicants also respectfully submit that no undue burden would be put upon the examiner to examine the invention of Group III, wherein the antigen is regarded as one of countless antigens against which it may be beneficial to elicit an enhanced immune response, since the physical steps of the method can themselves can be searched without limitation to antigen type.

In view of the foregoing, the applicants respectfully request that the requirement to limit the elected invention to one that is performed with an antigen of a specific class and type be withdrawn.

Respectfully submitted,

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